IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

AS.No. 278 of 1994()

AGAINST THE DECREE DT.30.8.90 IN OS.401/1987 of PRL.SUB COURT,IRINJALAKUDA

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APPELLANT: 2ND DEFENDANT

P.N.KRISHNAN, PANDIKASALA MADOM,
PRESIDENT, NADAVARAMBA KRISHNA BELL METAL WORKS
CO-OPERATIVE SOCIETY LTD.,
NADAVARAMBU P.O.

BY ADV. SRI.VENKITASUBRAMANIA IYER (SR)

RESPONDENTS: PLAINTIFF & DEFENDANTS 1 & 3 TO 5

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1. **CENTRAL BANK OF INDIA, REP.BY M.R.MALLIA,**
   REGIONAL MANAGER, CENTRAL BANK OF
   INDIA, COCHIN REGIONAL OFFICE,
   M.G.ROAD, ERNAKULAM.

2. **M.C.SASI, S/O.CHATHAN, MATHRUPILLY HOUSE,**
   NADAVARAMBA P.O.

3. **SRI.V.G . VELAYUDHAN, S/O.CHATHAN,**
   VARIKKADAN HOUSE, KODAKARA, MANAKULANGARA P.O.

*4. **SRI. CHATHAN, MATHRUPILLY HOUSE, VELOOKKARA VILLAGE**
   NADAVARAMBA P.O.(DIED)

5. **SMT.CHAKKI, W/O.MATHRUPPILLY CHATHAN,**
   MATHRUPPILLY HOUSE, VELOOKKARA
   VILLAGE, NADAVARAMBA P.O.

* **IT IS RECORDED THAT RESPONDENT NO. 4 EXPIRED AND R2, 3 AND 5 ARE HIS LEGAL REPRESENTATIVES VIDE ORDER DT. 24.7.96 ON MEMO DT.25.3.96 C.F. NO.3546/96**

BY ADV. SRI.M.P.R.NAIR FOR R1
SRI.P.RAVINDRAN FOR R3

THIS APPEAL SUITS HAVING BEEN FINALLY HEARD ON 15/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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A.S. NO. 278 OF 1994

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Dated this the 15th day of January, 2007.

J U D G M E N T

This is an appeal preferred by the 2nd defendant against the judgment and decree of the Subordinate Judge's Court, Irinjalakuda in O.S.401/87. The 2nd defendant had paid the entire amount to the plaintiff, Central Bank of India and he had also shown me the letter issued by the Branch Manager of the Bank to that effect. In the light of the same it is submitted that the other defendants are not necessary parties in the appeal. Therefore, they are deleted. So, the matter is settled between the 2nd defendant and the plaintiff. In the light of the fact that the entire amount is paid and full satisfaction is recorded, the appeal is dismissed without costs.

Refund of half Court fee is allowed and it is made clear that it will not affect the right of the present appellant to proceed against other defendants or their legal representatives for contribution of the amount in accordance with the provisions of law. The appeal is disposed of accordingly.

M.N. Krishnan, Judge.

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M.N. KRISHNAN, J.
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A.S. NO. 278 OF 1994
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J U D G M E N T

15th January, 2007.